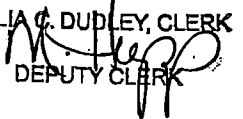


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

AUG - 1 2017

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

UNITED STATES OF AMERICA

Case No. 4:12-cr-00001-4

v.

MEMORANDUM OPINION

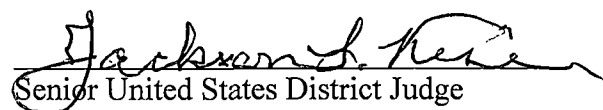
QUENTIN DWAYNE MCNEBB,  
Petitioner.

By: Hon. Jackson L. Kiser  
Senior United States District Judge

Quentin Dwayne McNebb, a federal inmate proceeding pro se, filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 in light of Johnson v. United States, 135 S. Ct. 2551 (2015). Court records indicate that the court already dismissed (Dkt. No. 316) a prior § 2255 motion (Dkt. No. 305). Thus, the § 2255 motion is a second or subsequent motion under 28 U.S.C. § 2255(h). See, e.g., Whiteside v. United States, 775 F.3d 180, 183-84 (4th Cir. 2014) (recognizing new case law is not a new “fact”); United States v. Hairston, 754 F.3d 258, 262 (4th Cir. 2014) (discussing significance of a new fact to a successive § 2255 motion).

The court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that a claim in the motion meets certain criteria. See 28 U.S.C. § 2255(h). As Petitioner has not submitted any evidence of having obtained that certification, I dismiss the § 2255 motion without prejudice as successive. Based upon my finding that Petitioner has not made the requisite substantial showing of denial of a constitutional right as required by 28 U.S.C. § 2253(c) and Slack v. McDaniel, 529 U.S. 473, 484 (2000), a certificate of appealability is denied.

ENTER: This 1st day of August, 2017.

  
Senior United States District Judge